

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA                     )  
   )  
                  v.                                     ) CR. NO. 2:05cr290-WKW  
   )  
EDDIE ANDREW GORDON                     )

UNITED STATES' RESPONSE TO COURT ORDER  
FILED DECEMBER 13, 2006

Comes now the United States of America by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and submits the following response to this Court's Order filed December 13, 2006, (Doc. 90), directing the United States to respond to the pleading filed on December 6, 2006, by Defendant Eddie Andrew Gordon (Doc. 87):

Mr. Gordon's pleading does not state an issue which merits a response. Therefore the United States can only conclude that Mr. Gordon is seeking to clarify a chronology of events in his case that center around the withdrawal of his guilty plea.

**Background**

1. On December 14, 2005, a grand jury sitting in the Middle District of Alabama, returned a one count indictment charging Eddie Andrew Gordon ("Gordon") with being a felon in possession of a handgun in violation of Title 18, United States Code, Section 922(g)(1).

Gordon appeared for his initial appearance and arraignment before United States Magistrate Judge Susan Russ Walker, on February 8, 2006. Gordon entered a plea of not guilty to the charge. (Docs. 1, 8). The trial of the case was set to commence on March 27, 2006. (Doc. 9).

2. On February 27, 2006, defendant filed a waiver of speedy trial, and defendant was granted an extension of time in which to file pretrial motions. (Docs. 15, 16, 19). Thereafter, the

trial was continued to April 24, 2006, before Honorable Myron H. Thompson. (Doc. 22).

3. On April 13, 2006, Defense Counsel Kevin Butler, filed his first motion to withdraw as counsel of record. A motion hearing was set on April 18, 2006, during which Attorney Banks Thomas Smith was temporarily appointed for the purpose of the hearing. At the conclusion of the hearing, Attorney Butler continued his representation of Gordon. (Docs. 24, 25). The court terminated the representation of Attorney Banks Thomas Smith, and granted Gordon's oral motion to continue the trial to August 7, 2006. (Docs. 33, 32). Gordon filed a second waiver of speedy trial on April 18, 2006. (Doc. 30).

4. On July 31, 2006, Gordon appeared before United States Magistrate Judge Vanzetta P. McPherson, to enter a guilty plea. Gordon decided not to enter a guilty plea and stated his intent to exercise his right to a jury trial. (Doc. 51.)

5. On August 8, 2006, a jury was selected for the trial of Gordon's case before United States District Judge Myron H. Thompson. A hearing was held out of the Jury's presence before Judge Thompson. Thereafter, the defendant was referred to Magistrate Judge McPherson for a guilty plea and the trial was canceled. (Doc. 70).

6. On August 9, 2006, Gordon entered a guilty plea pursuant to a plea agreement. (Doc. 72). Judge Thompson re-assigned the case to United States District Judge William Keith Watkins. (Doc. 76). The sentencing date was set for October 31, 2006, at 11:00 a.m. (Doc. 75), then re-set to 8:00 a.m.

7. On October 31, 2006, Defense Counsel Kevin Butler and the Federal Defenders made an oral motion to withdraw as attorneys and to have a new counsel appointed, and the defendant moved to withdraw his guilty plea. The court granted the Federal Defender's motion to withdraw

and appointed Attorney Everett McRae Urech to represent Gordon (Doc. 80). The case is presently set for trial on April 23, 2007.

### **Defendant's Pleading**

8. To the extent that defendant's pleading seeks clarification of his present status, the government submits that the defendant stands before this court pending trial on a one-count indictment charging him with being a felon in possession of a firearm. There is no pending sentence date, since the defendant withdrew his guilty plea on October 31, 2006. Defendant Gordon has been appointed new counsel (Doc. 79).

9. The government does not know what the defendant mean when he says, "Gordon would like some specific finding of fact regarding my claims raised, the Court however does not address the finding of fact to support the decision." The government does not make findings of fact. The government does not know what claims have been raised by Defendant Gordon. Finally, the government does not know what decision Defendant Gordon is asking for findings of fact to support.

### **Conclusion**

Despite the unclear nature of the pleading, the government has made a good faith effort to provide Defendant Gordon with a time line of the action, dates of events, and the present status of his case. The government is unable to comment further without additional information.

Respectfully submitted on this 3<sup>rd</sup> day of January 2007.

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**CERTIFICATE OF SERVICE**

I hereby certify that on January 3, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Everett McRae Urech.

Respectfully submitted,

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